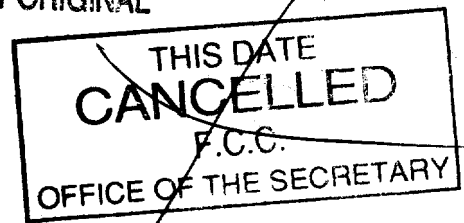




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September 12, 2000



BY HAND DELIVERY

Ms. Magalie Roman Salas
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Federal Communications Commission
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Washington, D.C. 20554

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SEP 12 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**Re: In the Matter of Petition for Rule Making of the Cellular
Telecommunications Industry Association Concerning
Implementation of WRC-2000: Review of Spectrum and Regulatory
Requirements for IMT-2000 (RM-9920)**

Dear Ms. Salas:

The Telecommunications Industry Association (TIA) hereby submits the enclosed reply comments in the above-captioned proceeding. Pursuant to Section 1.419(b) of the Commission's Rules, 47 C.F.R. § 1.419(b), an original and four (4) copies are enclosed.

If you have any questions concerning this filing please contact the undersigned.

Respectfully Submitted,

Derek R. Khlopin
Regulatory Counsel

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Petition for Rule Making of the Cellular)
Telecommunications Industry Association) RM-9920
Concerning Implementation of)
WRC-2000: Review of Spectrum and)
Regulatory Requirements for IMT-2000)

**REPLY COMMENTS OF THE
TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

Pursuant to Section 1.405(b) of the Commission's Rules,¹ the
Telecommunications Industry Association (TIA)² hereby replies to the comments
submitted in response to the above-referenced Petition for Rule Making filed by the
Cellular Telecommunications Industry Association (CTIA).³ TIA supports CTIA's call
for the Commission to immediately initiate the process of identifying the domestic
spectrum allocations for the implementation of International Mobile
Telecommunications-2000 (IMT-2000).⁴ Regardless of the specifics of its ultimate

¹ See 47 C.F.R. § 1.405(b).

² TIA is a full-service national trade organization with membership of over 1,000 large and small companies that provide communications and information technology products, materials, systems, distribution services and professional services in the United States and around the world. The association's member companies manufacture or supply virtually all of the products used in global communication networks.

³ Petition for Rulemaking of the Cellular Telecommunications Industry Association, RM-9920 (July 1, 2000)[hereinafter *CTIA Petition*]; see *Comment Invited on Third Generation Wireless/IMT-2000 Petitions, Public Notice*, DA 00-1673 (July 28, 2000).

⁴ IMT-2000 is the International Telecommunication Union (ITU)-led initiative to develop global standards for third-generation (3G) wireless systems capable of broadband and multimedia applications, including voice, video, and data. Since January 1999, TIA has served as the secretariat for the Third-

determination regarding the allocations, TIA agrees with the overwhelming majority of commenting parties that emphasize the need for the Commission to move quickly to begin this task, one that is difficult and complex yet extremely important.⁵

The Internet is going mobile, and this will happen on a global scale. In order to ensure that the U.S. stays competitive globally and remains on the cutting edge of Internet technology development and deployment, TIA believes it is essential that the Commission and other government agencies involved in the development of spectrum management policies acknowledge the unquestioned benefits of harmonizing domestic spectrum use with regional and global allocations wherever feasible, and make their absolute best efforts to act accordingly. TIA thus urges the Commission and the National Telecommunications Information Administration (NTIA) to immediately begin ascertaining the availability of frequency bands that have been identified globally for IMT-2000 deployment, invite industry to participate in this process, and complete these studies as quickly as possible. Finally, the Commission should consider all alternatives when determining allocations of 3G spectrum in the United States with the understanding

Generation Partnership Project 2 (3GPP2), which was created to support IMT-2000. To that end, TIA's contributions to IMT-2000 help form the backbone of the ITU's radio interface recommendation.

⁵ See, e.g., Lucent Technologies comments at 1-2; Qualcomm comments at 2; Wireless Communications Association Int'l. comments at 2; Cisco Systems comments at 3; Motorola comments at 1; Arizona Bd. of Regents et al. comments at 4-5; AT&T Wireless comments at 7-9; CDMA Development Group comments at 1; Universal Wireless Communications Consortium comments at 1; Verizon Wireless comments at 1; IP Wireless comments at 1; Sprint Comments at 2; LCC International comments at 1. Some of the commenting parties that agree that the Commission must act suggest that a notice of inquiry at this stage would be more appropriate than a notice of proposed rule making. See, e.g., WorldCom comments at 16; Nucentrix Broadband Networks, Inc. comments at 1; National ITFS Association comments at 1; Wireless One of North Carolina comments at 2; Instructional Telecommunications Foundation comments at 1; Network for Instructional TV, Inc. comments at 3.

that undue delay will disadvantage the U.S. market. Thus it should wait for sufficient results of these studies before allocating spectrum in the subject bands or making other premature related allocations.

I. Additional Spectrum is Needed for IMT-2000

Earlier this year, at the ITU World Radio Conference (WRC-2000), administrations from around the world agreed that “on the order of 160 MHz of spectrum, in addition to that already identified for IMT-2000 in No. S5.288 and in addition to the spectrum used for first and second-generation mobile systems in all three ITU-Regions, will be needed in order to meet the projected requirements of IMT-2000 in those areas where the traffic is the highest by 2010.”⁶ WRC-2000 identified a number of frequency bands that provide the greatest potential for meeting the predicted demand in a globally harmonized manner, including 1710-1885 MHz and 2500-2690 MHz.

TIA believes that it is critical for the U.S. to act quickly to follow-up on WRC-2000 and begin to address the issues surrounding the allocation of additional spectrum for IMT-2000 services. The future competitiveness of U.S. industry is very much at stake, as other nations already have begun the licensing process for advanced third generation (3G) services. If prompt action is not taken to identify and allocate appropriate spectrum for use in the U.S., these other nations are likely to race ahead in the provision of advanced mobile wireless services to their citizens. The negative effect of such a result will extend

⁶ *Additional frequency bands identified for IMT-2000, WRC-2000, Res[Com5/24] (hereinafter Res[Com5/24]).*

beyond U.S. telecommunications concerns to the entire U.S. economy, as businesses and consumers are deprived of the increased efficiency and information capabilities offered by these advanced services. As discussed in greater detail later in these comments, efforts thus far to address the need for additional spectrum for these advanced services have been inadequate, and have been undertaken without an eye to how the rest of the world is allocating spectrum for these types of services.

II. Globally Harmonized Spectrum Allocations Should be a Primary Objective

The national administrations represented at WRC-2000 recognized the need to achieve a globally harmonized spectrum plan so as to achieve global roaming, maximize economies of scale, lower costs, and secure an early implementation of 3G services.⁷ The outcome of this conference, which reflected a high level of consensus among the participants, represents sound spectrum management at the international level. The U.S. must now move promptly to make its own spectrum management decisions at the national level in light of the global framework adopted at WRC-2000, and make available on an expedited basis the spectrum needed for 3G services.

Ultimately, spectrum allocation decisions must reflect a government and private sector consensus as to what services are technologically possible, commercially viable, spectrally efficient and likely to benefit the public. Allocating spectrum without an understanding of domestic and global marketplace and technical demands can lead to

⁷ Res[Com5/24].

fractured markets, increased equipment costs, delayed research and product development, and increased time-to-market. This is particularly true where the failure to achieve harmonization with global allocation plans threatens to put a nation at a competitive disadvantage that likely will continue throughout the life of the service.

Just as worldwide telephony standards have enabled telecommunications systems to cross borders and become globally accessible, harmonized spectrum coordination around the world can enable more effective, economical and competitive wireless communications. This provides the consumer with global communications mobility as well as global access. Given the unprecedented potential growth in advanced mobile and personal communications, and the convergence of telecommunications and information technologies, it is imperative that the U.S. immediately rise to the difficult challenge of ensuring sound spectrum planning and management for 3G wireless services.

Global demand for wireless products and services is exploding, evidenced already in the record of this proceeding with various subscribership projections. The demand will continue to increase dramatically as Internet access is enabled on a multitude of wireless devices. Manufacturers will have a difficult enough time meeting this level of demand even without being required to build country-specific technologies and solutions. Globally aligned spectrum allocations and technical standards will provide the necessary economies of scale and maximize the ability of manufacturers to bring innovative products to market in a timely fashion.

III. The U.S. Government Must Follow Through on WRC-2000 Commitments and Study the Domestic Availability of IMT-2000 Frequency Bands

The outcome of the WRC-2000 should be considered a tremendous success for the future of 3G wireless services, and the U.S. clearly played a leadership role. As noted above, the conference recognized that approximately 160 MHz of additional spectrum would be needed to meet the projected demand for 3G services in the next decade, identifying both the 1710-1885 MHz and 2500-2690 MHz bands as potential bands for the service, with no preference given to either band. It indicated strong support for market-driven policies, including those that allow operators to evolve their first- and second-generation mobile systems to 3G and provide operators with flexibility in choosing technologies. It is now time for the U.S. to move forward expeditiously to develop a national spectrum plan for 3G.

Ultimately, the U.S. Government, and in particular the Commission, is going to have to make the difficult spectrum allocation decisions that are the subject of the *CTIA Petition* and other related proceedings. TIA is fully cognizant, perhaps uniquely so, of the difficulties the Commission is facing with these spectrum allocation decisions. TIA member companies supply the equipment and products used by incumbent users of the bands identified at WRC-2000,⁸ and they are designing, developing, and building the technologies that are behind new advanced wireless services, including 3G mobile, fixed,

⁸ The 1710-1850 MHz portion of the of the 1710-1885 MHz band is now used exclusively for Federal government services, primarily low capacity fixed microwave systems but also including Department of Defense satellite command links. The 2500-2690 MHz band is assigned domestically to the

and satellite technologies. It is precisely because these decisions are going to be so difficult that the Commission must begin the undertaking immediately and ensure that it commits the resources to complete the effort in a timely manner.

Existing incumbent uses of the frequency bands identified at WRC-2000 may prevent their use for IMT-2000 in whole or in part in some regions of the world. TIA recognizes this, and the WRC-2000 acknowledged this prospect. This may or may not be the case in the U.S. where these bands are or may be utilized to provide various active and planned services and where significant investments have been made. The ultimate conclusion should not be assumed, however; the Commission should instead use all means available to fulfill the commitment that the U.S. made to administrations worldwide to fully consider the availability of these bands for IMT-2000.

It is imperative therefore that the FCC and NTIA work with industry to determine what portions of the bands identified at WRC-2000 can be made available for IMT-2000 in a timeframe that meets anticipated market demand. Studies must be initiated to determine, for example, whether 3G services can share spectrum with existing services in these bands, whether relocation of existing services is feasible, and the cost and timing of such relocations. TIA thus supports the FCC working with NTIA to develop a process for reviewing the availability of spectrum bands identified by WRC-2000 to determine whether and how these bands, or a portion of these bands, can be made available for

MMDS and ITFS services for both one-way and two-way fixed services. *CTIA Petition* at n. 17.

IMT-2000 services.⁹ To be effective, the process needs to be structured carefully and must include all interested parties, including industry and the Department of Defense, in order to fully assess options for either sharing with or relocating existing users.

This process must begin as soon as possible. As the federal government proceeds to study the bands for 3G uses, however, it also must avoid taking actions that could preempt their use and prevent the U.S. from adopting a 3G spectrum plan that is harmonized with the rest of the world. The Commission has, of course, acknowledged the need to allocate additional spectrum for advanced mobile services. For example, the FCC, in its *Spectrum Policy Statement* released in November 1999,¹⁰ proposes to make available 1710-1755 MHz paired with 2110-2150 MHz and 2160-2165 MHz for fixed and mobile wireless services which could include 3G technology and services. While that specific proposed action ultimately could prove to be the most appropriate allocation decision based on domestic considerations, TIA believes that such a decision is premature without consideration of alternative approaches, represents an inadequate amount of spectrum, and is unnecessarily inconsistent with the harmonized approach that the WRC-2000 framework seeks to promote. While TIA recognizes that the FCC is permitted, under the Balanced Budget Act of 1997, to auction 1710-1755 MHz at any time after January 1, 2001, and is presently obligated to license 2110-2150 MHz by September 30, 2002, to proceed in auctioning these bands prior to at least substantially completing the

⁹ See Motorola comments at 9.

¹⁰ *In the Matter of Principles for Reallocation of Spectrum to Encourage the Development of Telecommunications Technologies for the New Millennium*, FCC 99-354, *Policy Statement* (Nov. 22,

spectrum studies on the bands identified at WRC-2000 would put the U.S. irrevocably out of step with the rest of the world. Premature allocation of this spectrum threatens to harm the U.S. wireless industry and the American public by depriving them of the global economies of scale that harmonized spectrum allocations would bring. Further, the Commission should be aware that discussions are ongoing in international fora that seek increased spectrum harmonization, even if it's only partial; the outcome there could offer approaches that are more beneficial than a course of making spectrum available on a piece-by-piece basis without a plan for harmonized use.

The Commission therefore should refrain from auctioning any part of the 1710-1755 MHz or 2110-2150 MHz bands prior to the completion of relevant studies and a decision as to the best use of this spectrum for 3G services in the United States.

Conclusion

The ability of American consumers to reap the full benefits of emerging wireless services depends on prompt action by the federal government. The U.S. economy as a whole also needs to embrace the enhanced communications capabilities that can be made available through advanced wireless services in order to continue its information technology driven expansion. Wireless technologies and services are becoming essential to many e-commerce applications, and industry is planning a variety of future information services that can be provided wirelessly. Consumers in the United States and

1999)[hereinafter *Spectrum Policy Statement*].

abroad are beginning to rely on mobile, hand-held devices and services to deliver the Internet anywhere, any time.

The FCC and NTIA must endeavor to complete in a timely fashion the studies needed to allocate 3G spectrum in the U.S. Prompt action is essential to ensure that 3G spectrum allocation decisions are made on the basis of informed consideration of all alternatives. This will allow U.S. consumers and industry to avoid the costs of precipitous action, as well as those arising from undue delay, including lost economic growth and jobs, unreasonable delays in introducing new services for the American public, and further erosion of U.S. leadership in the wireless technology area.

The Commission should do its part to uphold the U.S. Government commitments made at WRC-2000 that the spectrum bands discussed herein would be studied for potential IMT-2000 use in the United States. It should make every effort to identify and implement spectrum allocations that, to the greatest extent possible, are compatible with the rest of the world, in a time frame consistent with market demand.

Respectfully submitted,

TELECOMMUNICATIONS INDUSTRY
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